

WT
United States District Court

EASTERN

DISTRICT OF

MICHIGAN

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

V.

CASE NUMBER:

Tanisha Burton,

Case:2:08-mj-30554
Judge: Unassigned,
Filed: 12-16-2008 At 11:24 AM
SEALED MATTER (SJ)

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. Between in or about June, 2007 and in or about December, 2008 in Wayne county, in the Eastern District of Michigan defendant(s) did, (Track Statutory Language of Offense)

knowingly and willfully execute a scheme to defraud a health care benefit program, that is, Medicare, in connection with the delivery of or payment for health care benefits

in violation of Title 18 United States Code, Section(s) 1347

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

(SEE ATTACHED AFFIDAVIT)

Continued on the attached sheet and made a part hereof:

☒ Yes

☐ No



Signature of Complainant

Dewey Powell, Special Agent

U.S. Department of Health & Human Services

Sworn to before me and subscribed in my presence,

December 16, 2008

Date

at Detroit, Michigan

City and State

R. STEVEN WHALEN

United States Magistrate Judge

Name & Title of Judicial Officer



Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

Dewey Powell being duly sworn, states:

Introduction

1. I am a Special Agent (SA) with the United States Department of Health and Human Services, Office of Inspector General, Office of Investigations (DHHS) assigned to the Detroit Field Office. I have been a Special Agent since November 2006. Since joining DHHS, I have been involved in criminal, civil, and administrative investigations, including multiple healthcare fraud investigations. I have gained expertise in how to conduct such investigations through training in seminars, classes, prior education and vocation, and everyday work related to conducting these types of investigations. Additionally, I have over six years prior federal law enforcement experience as a Federal Air Marshal and United States Border Patrol Agent.

2. The statements in this affidavit are based in part on information provided by TrustSolutions (TS), LLC, my investigation of this matter and other information. Since this affidavit is being submitted for the limited purpose of obtaining a Search Warrant, I have not included each and every fact known to me concerning this investigation.

Facts of the Investigation

3. Your Affiant is assigned an investigation pertaining to the submission of fraudulent Medicare claims for reimbursement relating to physician home visits and other medical services submitted by Tanisha Burton (Burton). Burton, who is not a licensed medical provider, is the listed owner of Gentle Love Visiting Physicians (GLVP), which is currently located at 17336 W. 12 Mile Road, Suite 104, Southfield, Michigan.

4. The Medicare program is a health care benefit program, as defined in Title 18, United

States Code (USC), Section 24 (b), in that it is a public plan, affecting commerce, which helps pay for health care services provided to the aged and disabled throughout the United States under provisions of the Social Security Act. The Medicare Program is administered through the Centers for Medicare and Medicaid Services (CMS), formerly the Health Care Financing Administration. CMS is a federal agency within the United States Department of Health and Human Services. TrustSolutions (TS) is a Program Safeguard Contractor for CMS that works in partnership with multiple federal and state entities, beneficiaries and healthcare providers to foster the protection of the Medicare Trust Fund.

5. This investigation was predicated based upon information received from TS. Dr. Basil Rodansky (Rodansky) was issued Provider Identification Number (PIN) P46930001, under GLVP. The PIN became effective in June 2007.

6. Rodansky previously worked at another clinic, investigated by your Affiant. The clinic owners, used the identification information of elderly doctors to apply for Medicare provider numbers, then bill Medicare for services that were not provided. TS advised your Affiant that Gentle Love Visiting Physicians (GLVP), with listed owner Tanisha Burton, had submitted a provider enrollment which identified Rodansky, who is 78 years old, as the doctor providing services at the clinic. Additionally, claims for payment were also submitted.

7. On July 22, 2008, your Affiant conducted a business check of the clinic, at the address provided by TS, which was 2051 Rosa Parks, Detroit, MI. Your Affiant discovered the former offices, which previously housed GLVP, were being occupied by a property management company. Property management personnel told your Affiant GLVP had relocated to 17336 W. 12 Mile Road, Southfield, Michigan.

8. Medicare participating providers and/or facilities are issued a Provider Identification Number (PIN). Medical providers submit claims to Medicare using their PIN. Each claim for reimbursement includes, at a minimum, the beneficiary's name, the beneficiary's health insurance claim number (HICN), the date(s) of service, the diagnosis/nature of illness, and the procedure/service performed (annotated by a procedure code). The procedure codes used by providers for physician home visits are found in the Healthcare Common Procedure Coding System (HCPCS) book published by the American Medical Association.

9. The main procedure codes involved in this affidavit are related to physician home visits. The HCPCS codes include, but are not limited to 99350 (Home visit for the evaluation and management of an established patient), 99345 (Home visit for the evaluation and management of a new patient), and others known and unknown.

10. According to Articles of Incorporation filed with the State of Michigan, GLVP was incorporated as a PLLC, by Tanisha Burton, on or about June 12, 2007. Article V of the document listed Dr. Basil Rodansky as the licensed member/manager of the company.

Data Analysis

11. TS provided information which showed GLVP was certified as a Medicare provider and issued group PIN 0P46930. The PIN became effective on June 11, 2007.

12. The CMS 855B Provider Application for Enrollment, dated June 11, 2007, was signed Tanisha Christina Burton, and identified Burton as the business owner.

13. Medicare providers are supplied with procedure code manuals, billing manuals, and service bulletins which describe proper billing procedures and regulations. It is made clear to the providers that they can only submit claims for services rendered, and that they must maintain

patient records to verify the services provided.

14. Your Affiant conducted a review of Provider Enrollment documents provided by TS, more specifically, the CMS 855R, Reassignment of Benefits documents. The CMS 855R allows an individual provider, in this case a physician, to sign over payments received from CMS to a group practice or business. In return, the group practice or business will pay the physician an agreed upon salary.

15. The CMS 855R revealed the following: GLVP was named as the business receiving the reassigned benefits. Basil Rodansky, and later doctor Harris Macris were named as the Individual Practitioners Who Reassigned Benefits. Section 4: Authorization Statements contained the printed name and a signature of Basil Rodansky, and later Harris C. Macris, in the Individual Practitioner section, and the printed name and a signature of Tanisha C. Burton, in the Authorized or Delegated Official section. The CMS 855R for Rodansky was dated June 11, 2007, while the CMS 855R for Macris was dated, June 3, 2008.

16. Dr. Basil Rodansky was the only Medicare provider listed under GLVP until April 30, 2008, at which time the PIN (P46930002), assigned to Dr. Haris C. Macris (Macris), became effective.

17. TS provided a copy of the submitted Electronic Funds Transfer (EFT). The EFT was signed Tanisha Burton and dated June 11, 2007. This EFT request effectively ensured that all services paid by Medicare under GLVP's group PIN, which included Dr. Rodansky's PIN, would be deposited into Charter One bank account number 4501032331. Documentation from Charter One, dated July 27, 2007, identified the account as a Business Checking Account with one signer, Tanisha Burton.

Interview Cooperating Witness 1

18. On July 25, 2008, an interview was conducted with Cooperating Witness 1 (CW1). CW1, an individual with direct knowledge of practices and procedures at GLVP, advised your Affiant that Rodansky was the doctor GLVP billed under, but Rodansky did not work at GLVP. CW1 had never seen Rodansky. CW1 showed your Affiant GLVP internal documents which identified GLVP Staff and Doctor's. Rodansky was not listed. Furthermore, CW1 stated Burton had entered into kickback arrangements with Krauzers Pharmacy (Krauzers) in Detroit, as well as with First Michigan Home Healthcare (FMHH). Regarding Krauzers, CW1 stated he/she was at a meeting with Burton and employees from Krauzers where an agreement was made where Burton would receive money in return for GLVP providing prescriptions to its patients for compounded pain gels then referring them to Krauzers. Regarding FMHH, CW1 stated Burton and Victor LNU (Last Name Unknown) from FMHH had an agreement where they would provide referrals to each other. FMHH needed a physician referral for their nurses, physical therapists, etc. to provide home health services.

19. According to United States Code Title 42, Chapter 7, Subchapter XI, Part A, Section 1320a - 7b, payment of Illegal remunerations, which includes any kickback, bribe, or rebate; in return for referring an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under a Federal health care program is a felony.

Interview Tanisha Burton

20. On July 29, 2008, an interview was conducted with Tanisha Burton at 17336 W. 12 Mile Road, Suite 104, Southfield, MI. Your Affiant asked Burton about Rodansky. Burton stated

Rodansky worked at GLVP part-time from June 2007 to March 2008. Burton stated Rodansky conducted home visits and oversaw GLVP patient charts.

21. A review of billing claims data by your Affiant revealed all billings from June 28, 2007 to June 19, 2008, identified Rodansky (P46930001) as the physician who provided the services.

Interview Haris Macris

22. August 22, 2008, an interview was conducted with Macris. Macris was a former medical doctor employed at GLVP. Macris advised he did sign a CMS 855R Reassignment of Benefits, and had agreed to work at GLVP to conduct home visits in return for an agreed upon salary and for insurance coverage, which was to be provided by GLVP.

23. Macris stated he started employment at GLVP in May 2008, but did not work for the last two weeks of the month. Macris stated he was the only doctor working at GLVP when he started. Macris worked at GLVP three days per week. Macris stated he usually averaged seeing four (4) to five (5) patients per day; however, never saw more than eight (8).

24. Your Affiant and Macris discussed billing at GLVP. Macris had never heard of Rodansky and did not understand why claims were submitted under Rodansky's provider number for dates Macris was the only doctor working at GLVP. Macris stated for his first two weeks at GLVP, he had not received his DEA number, which allowed him to prescribe drugs so he used the DEA number which belonged to a Dr. Gregory Hackel.

25. Macris stated Burton's husband, Dwayne Burton, transported patients to the GLVP office every other week for tests, such as Ultrasounds and/or Doppler studies. Macris stated the test results were a "standard read", which would be exactly the same, every time; specifically the

verbiage for carotid artery studies. Macris stated he had not ordered any of the tests, but did recall seeing an ultrasound chart with his name on it.

26. Macris stated GLVP had a deal with Caring Pharmacy, in that Caring Pharmacy would deliver medications to GLVP patients homes and waive their co-pays. Macris also stated GLVP primarily dealt with two home health agencies, FMHH and Anrex Home Health. Macris stated at times he signed off documents for physical therapy assessments.

27. On September 30, 2008, Macris called your Affiant and stated he believed billing was sent to Medicare for services that were never rendered and stated it was unfair to the Medicare program. Macris stated he may have signed off on paperwork that was generated based upon information from patient charts, that had been generated prior to his start date at GLVP. Macris stated his last day of work at GLVP was September 23rd and he was concerned that his DEA number may have been used to call in prescriptions.

Interview - Basil Rodansky

28. On September 18, 2008, an interview was conducted with Dr. Basil Rodansky. Rodansky stated Burton wanted to hire him, but he never worked at GLVP, or for Tanisha Burton. On November 4, 2008, a follow-up interview was conducted with Rodansky. Rodansky stated he began working at Health One Medical Center on September 19, 2007, and had not worked anywhere else since that date. Rodansky agreed to provide a sworn statement. Rodansky made the following statements:

- I have never worked at or for GLVP.
- I have never worked with, or for, Tanisha or Dwayne Burton.
- I have never went, visited, or otherwise been to GLVP, located at 2051 Rosa Parks Blvd.,

Detroit, Michigan or at 17336 W. 12 Mile Road, Suite 104, Southfield, Michigan.

- I have never provided medical services, or written prescriptions, as a provider at GLVP.
- I have never referred any patients to GLVP, nor have I made any referrals as a provider working at, or for, GLVP.
- I have no business relationships with GLVP, Tanisha Burton, or Dwayne Burton. I have never given any of the above permission to bill Medicare using my provider number.
- I have never given my permission for GLVP, Tanisha Burton, or Dwayne Burton, to use my name or provider number; or put, adhere, or place my signature on any business documents, Medicare Provider Enrollment forms, patient medical records, billing(s), or prescriptions.
- I have never provided supervision of any medical staff, physicians, or other medical providers employed at or by GLVP, Tanisha Burton, or Dwayne Burton.
- I have never been the Medical Director at GLVP, nor have I ever submitted, or caused to be submitted, or gave permission to submit a CMS 855R on which my name and alleged signature were placed on June 11, 2007.

Billing

29. Your Affiant conducted a review of GLVP billings and noted the following:

For dates of service between June 28, 2007 and June 19, 2008, GLVP billed Medicare a total of \$134,085.00, was allowed \$98,780.86, and was paid a total of \$74,614.75. HCPCS Codes 99350 and 99345 accounted for \$92,850.00 billed, \$75,167.074 allowed, and \$55,808.93 paid; additionally multiple billings for Doppler tests and ultrasounds were billed. For the period indicated above, all of the claims were submitted under the PIN belonging to Rodansky

(P46930001).

30. All claims submitted to Medicare for payment have Internal Control Numbers (ICN). Each ICN consists of a thirteen digit code. According to TS, the first two digits of the ICN, in the GLVP claims data, are either 11 or 18, which specify electronically submitted claims. Additionally, all claims indicated place of service code 12, which indicates services provided in a patient's home.

Beneficiary Interviews

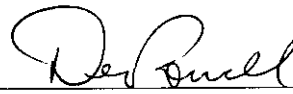
31. During the period of June 28, 2007, through January 21, 2008, Cooperating Witness 2's (CW2) HICN was used by GLVP to bill ten (10) claims in the amount of \$1,925.00, which resulted in payment of \$1,164.63. All claims identified Rodansky as the physician providing services. On November 10, 2008, CW2 was interviewed. CW2 had never heard of GLVP and had never received home visits from that company. Additionally, CW2 had never went to any doctor's offices located at 2051 Rosa Parks, or on 12 Mile Road in Southfield. Your Affiant showed CW2 colored photos of Tanisha Burton and Basil Rodansky. CW2 stated he/she did not recognize either Burton or Rodansky.

32. During the period of June 28, 2007, through January 21, 2008, Cooperating Witness 3's (CW3) HICN was used by GLVP to bill nine (9) claims in the amount of \$1,800.00, which resulted in payment of \$1,142.41. All claims identified Rodansky as the physician providing services. On December 4, 2008, CW3 was interviewed. CW3 never heard of, or received treatments from anyone representing GLVP. CW3 never received treatment from Rodansky or Macris. Your Affiant showed CW3 colored photos of Tanisha Burton and Basil Rodansky. CW3 stated he/she had never seen either of the individuals.

Interview of Ida Grant

33. On December 4, 2008, Ida Grant (Grant) was interviewed by your Affiant at 17336 W. 12 Mile Road, Suite 104, Southfield, Michigan. Grant identified herself as the secretary for GLVP and later told your Affiant, she was Tanisha Burton's mother. Grant stated the current doctor at GLVP was Haris Macris, but he was being replaced by Mercedes Francis. Your Affiant showed Grant a photograph of Basil Rodansky. Grant stated she had never seen Rodansky before. Grant stated all patient records were maintained in the GLVP office. Grant also stated all services by GLVP were provided in the patients home. Grant did not know who provided diagnostic tests.

34. Based upon the facts presented, your Affiant respectfully submits there is probable cause to believe that Tanisha Burton has knowingly submitted and/or has caused to be submitted false claims to Medicare between June 28, 2007 and the present, all in violation of Title 18, U.S.C. § 1347, Health Care Fraud, and possibly other federal statutes.



Dewey Powell
Special Agent
Department of Health and Human Services

Sworn and subscribed before me
this 16th day of December, 2008



R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE